

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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| In the Matter of |) | |
| |) | |
| Local Competition and |) | CC Docket No. 99-301 |
| Broadband Reporting |) | |

COMMENTS OF SPRINT CORPORATION

Sprint Corporation ("Sprint"), on behalf of its local and long distance divisions, submits its Comments to the Second Notice of Proposed Rulemaking ("Second NPRM"), released as FCC 01-19 on January 19, 2001, in the above referenced docket.

The Second NPRM focuses on acquiring more information in greater detail regarding the deployment and use of broadband services, which the Commission has defined as high speed services capable of delivering information in excess of 200 kbps in at least one direction. The need for information on broadband services arises out of Section 706(b) of the Telecommunications Act of 1996.¹ This section requires that the Commission regularly inquire on the availability of advanced telecommunications capability to all Americans. In this inquiry, the Commission is to determine whether such capability "is being deployed to all Americans in a reasonable and timely fashion."²

As a result of the requirements of Section 706, the Commission developed Parts I and V of FCC Form 477. Part I requests information on broadband deployment in a state for carriers who provide 250 or more broadband lines in that state. Part V requests the

¹ 47 U.S.C. §157 nt.

² Id.

carriers to list the zip codes in that state in which broadband service is provided.

Form 477, including Parts I and V, places burdens on carriers to gather and report the requested information. In accordance with Sections 10 and 11 of the Communications Act of 1934, as amended,³ the Commission, in both the original NPRM and the Second NPRM, sought to balance the burdens on carriers with its need for information.⁴ Thus, the Commission should seek to gather only information needed for it to fulfill its statutory requirement to assess whether advanced telecommunications is being deployed in a reasonable and timely fashion.

In many cases, the additions suggested by the Commission in the Second NPRM are not necessary for the Commission to fulfill its statutory requirement and are unreasonably burdensome to carriers. For example, the Commission tentatively concluded that carriers should report data on where broadband services are available *in addition* to where they are actually sold.⁵ Identifying availability on a home-by-home basis is very burdensome because of the current limitations on DSL service, e.g., the end user must be located within a finite distance of the serving office. Further, the telecommunications industry does not use homes passed as a measurement. Conversely, subscribership is a concrete measure of deployment. For the same reason, it would be unreasonably burdensome to determine availability to a certain percentage of customers within a zip code. While it is feasible to determine if broadband service is available in a given zip code, this adds virtually nothing to the current information which reveals whether any broadband service has been sold in that zip code.

The Commission also seeks comment on whether to require carriers to report the

³ 47 U.S.C. §§160, 161.

⁴ See Local Competition and Broadband Reporting, CC Docket No. 99-301, Notice of Proposed Rulemaking, FCC 99-283 (rel. October 22, 1999) at ¶4: "...we propose to restrict collected information to that which is most essential to tracking...the deployment of broadband services to American consumers."

amount of broadband subscribership by zip code, rather than just whether any broadband service has been sold in a zip code.⁶ Sprint's local telephone companies currently comply with the zip code requirement by using the billing system to provide the address for a purchaser of broadband service. However, the billing address, and therefore the zip code, may not correspond with the location of the broadband service. If the zip code retrieved does not correspond to a zip code in the serving exchange, the information is not used. Thus, while it is unlikely that an error is made in whether *any* broadband service is sold in a zip code, it is likely that a report of the number of broadband lines in a given zip code will be inaccurate. Any manual attempt to correct this inaccuracy would be unreasonably burdensome.

The preceding two paragraphs highlight the Commission's interest in information on whether broadband services are available but not purchased, and on how much is purchased by zip code. Neither of these factors is probative of the issue of whether broadband service is being *deployed* in a reasonable and timely fashion. The current information, showing by zip code where at least one broadband service has been purchased is adequate evidence of where such service is deployed.

Further, the Commission seeks more detail about the type and capability of broadband services. The Commission asks whether it would be useful to know (i) how much residential users, small businesses and large businesses are each buying one-way versus two-way broadband, and (ii) what types of technology are being used to deliver such services.⁷

Again, while this information may be interesting, it creates extra data gathering and reporting

⁵ *Second NPRM* at ¶20.

⁶ *Id.* at ¶18.

⁷ *Id.* at ¶17, 19.

burdens on carriers and is not essential to determine whether broadband services are being generally deployed.

In paragraph 22 of the Second NPRM, the Commission seeks comment on whether to continue to exclude broadband lines connected to private networks or expand Form 477 to include these services. This information does not need to be collected. The Commission stated in paragraph 22, "there is a well-established market for high-speed data services that are used in private networks...large business customers appear to be able to purchase such services with relative ease." The directive of Section 706(b) is to determine whether advanced services are being deployed to all Americans. Obviously, these services are available to business customers large enough to use private networks. In fact, the same point would apply in general to business customers, leading to a conclusion that the Commission need not collect broadband information for business users. Thus, the Commission should actually focus only on the use of residential broadband services used to connect to a public data network in order to determine if broadband services are being generally deployed to all Americans.

In paragraph 28 of the Second NPRM, the Commission seeks comment on how often Form 477 should be submitted. Currently, it is filed twice per year. Sprint believes that an annual filing would be a better balance between the Commission's need for information and the burden on carriers. In addition, since the Commission creates an annual report on the state of advanced telecommunications, an annual filing would provide an adequate data point upon which to base the report.

Finally, the Commission seeks comment on whether it should establish a rebuttable presumption that some or all of the data in Form 477 is not competitively sensitive.⁸ Sprint

⁸ Id. at ¶26.

